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ATTORNEYS FOR DEFENDANT  
 MARK FEATHERS

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

SECURITIES AND EXCHANGE  
 COMMISSION,

Plaintiff,

vs.

SMALL BUSINESS CAPITAL CORP.; MARK  
 FEATHERS; INVESTORS PRIME FUND, LLC;  
 and SBC PORTFOLIO FUND, LLC,

Defendants.

Case No. 5:12-cv-03237-EDJ

**EX PARTE ADMINISTRATIVE  
 MOTION TO FILE UNREDACTED  
 DECLARATION OF MARK FEATHERS  
 AND UNREDACTED EXHIBITS  
 ATTACHED THERETO UNDER SEAL  
 [LOCAL RULES 7-11 AND 79-5]**

Defendant Mark Feathers applies *ex parte* for an order authorizing the filing under seal of the unredacted declaration of Mark Feathers and the exhibits attached thereto (“Feathers Declaration”). Mr. Feathers seeks leave of the Court to file the unredacted Feathers Declaration under seal pursuant to Local Rule 79-5(a) and (b).

1 On July 10, 2012, the Court entered a Preliminary Injunction and Orders: (1) Freezing  
2 Assets; (2) Prohibiting the Destruction of Documents; (3) Requiring Accountings; and (4)  
3 Appointing a Permanent Receiver (the "PI Order"). (Dkt. No. 10.) Pursuant to Paragraph XVI of  
4 the PI Order, Mr. Feathers is required to prepare and deliver to Plaintiff Securities and Exchange  
5 Commission ("SEC"), and file with the Court, a detailed and complete schedule of all of his  
6 personal assets, including all real and personal property exceeding \$5,000 in value, and all bank,  
7 securities, futures and other accounts identified by institution, branch address and account number.

8 On July 13, 2012, Mr. Feathers delivered via e-mail the Feathers Declaration which  
9 provided information about his personal assets as required by the PI Order to counsel for the SEC,  
10 the Receiver and the Receiver's counsel. The Feathers Declaration contains information that is  
11 protected from disclosure to the public pursuant to Federal Rule of Civil Procedure 5.2, including  
12 bank account numbers for him, his children, and his wife, personal identifying information, and  
13 personal financial information. Consequently, Mr. Feathers seeks an order from this Court  
14 directing that the Feathers Declaration be filed under seal.

15  
16 Dated: July 16, 2012

BRAUNHAGEY & BORDEN LLP

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18 By: /s  
19 Mark P. Fickes

20 Attorneys for Defendant Mark Feathers  
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